

Members

Rep. Kathy Richardson, Chairperson
Rep. Ralph Ayres
Rep. Ryan Dvorak
Rep. Robert Kuzman
Sen. Richard Bray, Vice-Chairperson
Sen. David Long
Sen. John Broden
Sen. Timothy Lanane
G. Michael Witte
Chief Justice Randall Shepard
Ron Tabaczynski
Jacqueline Rowan
Larry Bye



COMMISSION ON COURTS

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Authority: IC 33-1-15

MEETING MINUTES¹

Meeting Date: September 16, 2005
Meeting Time: 1:30 P.M.
Meeting Place: State House, 200 W. Washington St.,
Room 404
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Rep. Kathy Richardson, Chairperson; Rep. Ryan Dvorak; Sen. Richard Bray, Vice-Chairperson; Sen. John Broden; G. Michael Witte; Chief Justice Randall Shepard; Ron Tabaczynski; Jacqueline Rowan; Larry Bye.

Members Absent: Rep. Ralph Ayres; Sen. David Long; Sen. Timothy Lanane; Rep. Robert Kuzman.

Chairperson Richardson call the second meeting of Commission on Courts to order at 1:35 p.m.

Approval of Minutes from August 23rd Meeting

As the first item on the agenda, the Commission members approved the minutes of the meeting held on August 23, 2005.

Weighted Caseload Study Prepared by the Division of State Court Administration

Rep. Richardson recognized LSA staff Mark Goodpaster to present information on the weighted caseload study that has been updated for 2004. A memo prepared for the Commission on Courts with information on weighted caseloads is included in Attachment A.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

New Jackson County Superior Court

Bill Bailey, the president of the Jackson County Chamber of Commerce spoke on a proposal to add a superior court in Jackson County. Mr. Bailey referred to a series of handouts that he presented to the Commission members. (See Attachment B.)

The first handout was a summary of a quality of life assessment that was prepared by a partnership of local civic groups and organized by the Jackson County United Way. This report identified a significant caseload backlog in the Jackson Circuit Court as a critical need that must be addressed to improve the quality of life in Jackson County. The report also noted that the court's backlog is caused in part by the increased arrests for methamphetamine production, sales, and use.

The second document was the November 2004 final report for the Commission on Courts. In the final report, the Commission recommended that new courts be created in ten counties, including Jackson County. Of these ten counties, Jackson County's need for a new court was ranked fourth in terms of severity of need.

Mr. Bailey also presented information on pending caseloads and filings prior to November 1, 2004.

The following witnesses also testified about the need for a new court in Jackson County.

William Vance, Judge of the Jackson Circuit Court indicated that total case filings in his court have increased by 36% since January 1, 1999. The largest growth has been in family, juvenile, and criminal cases. Judge Vance also indicated that a county-paid referee is used in juvenile cases.

William Guthrie, Judge of the Jackson Superior Court, also testified in favor of a new court. He noted that every county with a population equal to or greater than Jackson has at least three full-time judges and several counties have smaller populations than Jackson but have more than two courts.

Stephen Pierson, Prosecuting Attorney in Jackson County, told the Commission members that his office has a backlog of 800 felonies and has cases stacked between 7 and 10 every Tuesday and Thursday on the court calendar. He indicated that the significant number of criminal cases filed in the Jackson Circuit court makes filing civil cases extremely difficult.

Tom Lantz, an attorney in Seymour, also told the Commission members that a new court was needed because of the delays that civil litigants experience.

Judge Vance made these other points:

- A new court would likely use the facilities in a court annex that is located near the existing court house. Consequently, Jackson County would experience minimal costs for new physical space.
- The clerk of the circuit court supports the need for a new court.
- The estimated startup costs for a new court and clerk of the circuit court is \$250,000.
- The Jackson County Council will be asking for an excess levy to fund this new court.

Mr. Bailey told the Commission members that if between now and 2007 the local officials are

not able to arrange for local funding, the courts and other interested parties in Jackson County would withdraw support for a new superior court.

Judge Witte suggested that Jackson County consider some other funding alternatives to generate new revenue. As examples, counties surrounding Dearborn County are considering ways to share fees and revenues associated with the casinos in Dearborn, Ohio, and Switzerland Counties. He suggested that Jackson County officials may wish to examine whether they could collaborate with local officials in Orange County, where a new casino is being planned. Jackson County is two counties removed from Orange County and presumably could experience more automobile traffic due to the casino.

City and Town Courts

Lewis Gregory, Greenwood City Court, presented the Commission members with a survey of city and town courts that he and staff in the Greenwood City Court prepared in 2005. (See Exhibit C).

In prepared remarks (see Exhibit D), Judge Gregory proposed that Commission members recommend legislation to the 2006 General Assembly that would allow city or town courts listed in IC 33-35-5-7 (courts required by statute to have judges who are licensed attorneys) to become courts of record. To become a court of record, he proposed that the city or town court be required to meet standards established by the appropriate state-level entity. Possible examples include the Commission on Courts or the Indiana Supreme Court's Division of State Court Administration. The standards would address the adequacy of facilities, hours of operation, staffing, services available, training of staff or judge, or other matters.

Judge Gregory told the Commission members that this proposal involves no fiscal impact to local or state government. The impact of additional appeals on the appellate courts should be minimal since misdemeanants who may be inclined to appeal an adverse trial court decision probably would do so even after a *trial de novo* in a court of record.

Chief Justice Shepard noted that city and town courts vary significantly in their operations. He also observed that while some cities and towns use the revenue generated from these courts to fund unrelated governmental operations like parks and recreation, other local units allow this money to be reinvested in the local court operations to keep these courts current in court facilities and equipment.

Senator Bray stated his concern about any effect that allowing more traffic infractions to be filed in city and town courts might have on state revenues.

William Longer, Judge of the Hobart City Court, stated that none of the judges he has discussed this matter with in Lake County oppose Judge Gregory's proposal.

Other Business

Rep. Richardson requested that staff from the Department of Local Government Finance appear at a future meeting to describe how excess levies on property taxes are administered.

Rep. Kuzman indicated that Lake County Juvenile Courts has a proposal that it would like to share with the Commission on Courts.

Rep. Richardson stated that she requested the Attorney General of Indiana to issue an opinion about whether the \$10 civil fee needs to be paid for garnishees in civil cases.

Rep. Richardson announced that the next meeting would be on October 3rd at 10:30 a.m.

The meeting was adjourned at 2:30 p.m.